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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/578,085      | 05/24/2000  | Richard Palmeri      | 1008-00             | 4564             |

35811 7590 09/23/2004

IP DEPARTMENT OF PIPER RUDNICK LLP  
ONE LIBERTY PLACE, SUITE 4900  
1650 MARKET ST  
PHILADELPHIA, PA 19103

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|----------|
| EXAMINER |
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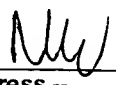
POINVIL, FRANTZY

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3628

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                  |   |
|------------------------------|-------------------------------|----------------------------------|---|
| <b>Office Action Summary</b> | Application No.<br>09/578,085 | Applicant(s)<br>PALMERI, RICHARD |   |
|                              | Examiner<br>Frantzy Poinvil   | Art Unit<br>3628                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The Declaration filed on 6/14/2004 has been acknowledged and placed on the file. Applicant's arguments and the Declaration with respect to claims 30-58 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalina (US Patent No. 5,970,480).

As per claims 30, 31, 33 and 34, Kalina discloses all the claimed limitations with the exception of the manner of distributing a transaction amount in the user trust account for investing for the user. Note the entire document. Kalina states that an investment amount may take the form of sale/credit award transactions (column 4, lines 20-31), award types being converted into cash value (column 4, line 59 to column 5, line 5), or interest paid by debtor which is being converted into a cash value (note column 4, lines 1-4).

Kalina further states that various alternate schemes of presenting a cash value for investments are contemplated in their invention. Note column 5, lines 14-25 of Kalina. The investment accounts are not limited to a bond mutual fund, stock mutual fund, money market

fund. Reports are transmitted to the customer. Note column 6, lines 5-9 and column 5, lines 2-13.

It would have been obvious to one of ordinary skill in the art at the time of the invention when viewing Kalina to also develop or substitute a scheme of distributing a portion of the transaction amount therein for investment purposes. The motivation would have been to provide a user or customer with various alternative investment strategies when purchasing at a vendor, thus, making the system attractive to various types of consumers and at the same time encouraging consumers to purchase at the vendor.

As per claim 32, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles or accounts are second accounts of the customers or vendors in which profits or the allocated funds may be deposited or invested thereto.

As per claims 35 and 36, Kalina does not explicitly teach means of accessing the website or a kiosk. Accessing a website or a kiosk with means of accepting electronic cards are well known in the art. Providing such in the system of Kalina would have been obvious to one of ordinary skill in the art at the time of the invention in order to facilitate financial transactions to remote users and to users who can independently process electronically financial transactions without help of a sales clerk.

Claims 37 and 40, 42, 43 are system claims directing to computer components for performing the claimed functions recited in independent claim 30 above. These components would have been obvious to one of ordinary skill in the art when viewing the teachings of Kalina where it is disclosed various computer systems and subsystems for implementing the invention.

As per claims 38 and 39, having a user account manager and a vendor account manager in the system of Kalina would have been obvious to the skilled artisan in order to facilitate the functioning of the overall system (such as accounts updates and transferring of funds to/from accounts) in a well-organized manner. Kalina also discloses various types of accounts that would have been managed by an account manager. See column 6, lines 5-9.

As per claim 41, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles are second accounts of the customers or vendors in which profits or allocated portions may be deposited or invested thereto.

As per claims 44 and 45, see the rejection regarding claims 35 and 36 above.

As per claim 46, when the vendor transfers funds to a user account, this fund or portion of this fund may be transferred to the investment's vehicle. Note the teachings above with respect to claim 30 above.

Claims 47-51 contain features recited in respective claims 3-7 and these claims are rejected under a similar rationale.

As per claim 52, see the rejection regarding claim 30 above.

As per claim 53, note the rejection of claim 38 above.

As per claims 54-58, note the rejection of respective claims 4 1-45 above.


***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
September 13, 2004

  
**FRANTZY POINVIL**  
**PRIMARY EXAMINER**  
*Aa 3628*